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RHEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC
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DEPT FOR G/TIP, G, INL, DRL, PRM, WHA/PPC
DEPT PASS TO USAID FOR LAC/CAM KSIENKIEWICZ

E.O. 12958: N/A
TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [GT](#)
SUBJECT: GUATEMALA'S INPUT FOR 2008 TIP REPORT (APRIL 2007
- MARCH 2008)

REF: A. STATE 2731
[1](#)B. GUATEMALA 242
[1](#)C. 07 GUATEMALA 2213
[1](#)D. 07 GUATEMALA 488

[1](#)1. Post submits the following information (keyed to ref A) on anti-trafficking efforts undertaken by the Guatemalan government between April 2007 and March 2008 in the areas of prevention, protection and assistance to trafficked victims, and investigation and prosecution of traffickers. While challenges remain, especially in the area of prosecution, the GOG is committed to addressing those challenges and has made significant progress in combating human trafficking despite limited resources and a change of government during the reporting period. In view of these significant efforts, Embassy recommends that Guatemala be removed this year from the Tier 2 Watch List. Such action will not only reinforce past and current efforts but will encourage the GOG to continue its efforts to combat human trafficking as part of a global effort.

[1](#)2. Embassy's point of contact on trafficking in persons (TIP) is Poloff Lucy Chang (FS-02), telephone (502) 2326-4635, fax (502) 2334-8474. She spent 48 hours in the preparation of this report. FSN Political Specialist Ronald Flores (FSN-9) spent 8 hours.

Overview of Guatemala's Activities

[1](#)A. Guatemala is a country of origin, transit, and destination for internationally trafficked victims. Although the National Civilian Police (PNC) provided some year-end crime statistics, there were no reliable numbers or estimates of trafficking victims, nor reliable information regarding the origins and destinations of victims, or methods and motives of traffickers. Trafficking occurred within the country, particularly in the border areas and other outlying areas with weak government control, as well as transnationally across borders. Women, children, and migrants continued to be at greater risk of being trafficked than other sectors of the population. Due to the clandestine and illicit nature of human trafficking, which often camouflaged as other types of licit or illicit activities, and the lack of reporting methodology and tracking mechanism, there were no reliable estimates or numbers available as to the actual extent or magnitude of the problem. The sources of available information on human trafficking were the handful of NGOs, including USG-funded organizations, that focused on this

problem and the limited anecdotal information provided by trafficked victims themselves.

As part of its national plan of strategic action, the government plans to document and analyze the trafficking problem, at both the national and regional levels, and to study its relationship to other societal problems, such as commercial sexual exploitation, labor exploitation, and alien smuggling. The analysis will focus on factors, such as age, gender, and socio-economic conditions, that contribute to victims' vulnerability. Member institutions of the Inter-institutional Commission to Combat Trafficking in Persons managed databases of trafficking victims which they shared with other institutions. The GOG anticipates creating a unified database to facilitate follow-up on trafficking cases.

1B. During the reporting period, the government undertook more strenuous efforts to combat trafficking, although reducing the incidence of trafficking remained a serious challenge. Information provided by NGOs continued to suggest the existence of networks of transnational sexual traffickers who operated in Central America, primarily transporting victims from El Salvador, Honduras, and Nicaragua to Guatemala. Central American women and girls continued to be trafficked and sold in brothels in Mexico, Belize, and the United States. The majority of the victims were young women between 19 and 25 years of age, with the number of underage victims reportedly increasing.

The inadequate state of immigration and border control facilitated trafficking of persons from El Salvador, Honduras, and Nicaragua to Guatemala and subsequently to Mexico and Belize through official border points or via

clandestine land or water routes. Migrant women and children were particularly vulnerable. The Guatemalan government, in cooperation with civil society groups and international organizations, intensified its efforts, particularly in the border areas, to address the issue. The primary obstacles to prosecuting those responsible for trafficking and related illicit activities remained weak institutional capacity and lack of resources, including judges and prosecutors and other justice system personnel specially trained to handle trafficking cases.

While there was little information available on male victims or victims of trafficking for forced labor, anecdotal evidence suggested that TIP was a growing problem, particularly outside the capital and in areas, such as the southern region, the border with Mexico, and Peten region, where narcotrafficking and other illicit activities are rampant.

NGO reports confirmed the continuing occurrence of labor exploitation south of the Mexican border where minors were recruited to beg in the streets and to work in the municipal dump in Tapachula, Mexico. In some cases, these minors were also believed to be victims of sexual exploitation. Labor exploitation of men and women was also documented among agricultural migrant workers in southern Mexico along the Guatemalan border.

There were no new trends in populations targeted or methods used by recruiters. The majority of the victims continued to be young women aged 19 to 25, with the number of minors reportedly increasing in recent years. Girls from poor families or abusive homes, or those attempting to migrate to the U.S. continued to be the most vulnerable to trafficking. Most victims were lured by promises of travel, study, or work, including offers of employment as waitresses, domestic workers, or factory workers, or were exploited in their desire to migrate to the U.S. in search of work opportunities or reunion with family members. A relatively small number of victims may have known they would be working as prostitutes, but nevertheless were enticed by the offer of better working conditions.

Traffickers utilized various modes of operation, including use of commercial enterprises, such as bars and brothels. Some bar or brothel owners engaged in trafficking to recruit workers for their businesses, while other traffickers operated independently of other commercial activities. Sometimes victims themselves returned to their villages to recruit new victims. Trafficking networks were predominantly small to medium-sized family-based groups. False documents were used extensively to conceal both age and citizenship status of victims. Victims were not usually kept as slaves; instead, traffickers created conditions of economic, psychological, and often drug dependency. In many cases, victims resisted rescue. According to the PNC, traffickers generally operated in small informal networks, which did not involve organized crime but included Nicaraguans, Salvadorans, and Colombians utilizing authentic but illegally-issued Guatemalan identification documents, typically originating from municipal authorities in rural parts of the country. There was no information on whether employment, travel, or tourism agencies or marriage brokers Qemployment, travel, or tourism agencies or marriage brokers were involved in trafficking individuals.

¶C. Thirteen government institutions were involved in anti-trafficking efforts as part of Guatemala's Inter-institutional Commission to Combat Trafficking in Persons, which was established by government decree in July 2007. Led by the Foreign Ministry, the commission is a permanent entity that coordinates the government's anti-trafficking efforts in accordance with its international commitments and domestic legislation. It is comprised of representatives of various institutions of the Executive, as well as international organizations and local NGOs. The commission meets regularly on a bi-monthly basis, as well as on an ad hoc basis as necessary.

Both the Public Ministry and the PNC have dedicated anti-TIP units. In November 2007, the GOG created the anti-TIP unit in the Public Ministry's Prosecutor's Office for Organized Crime to improve the model of investigation and prosecution

of TIP crimes. Formerly housed within the Prosecutor's Office for Women, the new unit provides greater visibility and focus to human trafficking. The staff of 12 works in close collaboration with NGOs. Approximately 60 percent of the unit's caseload is illegal adoption cases, and 40 percent is TIP cases.

¶D. The government demonstrated commitment and political will to address the problem of human trafficking, but its ability to address it was limited in practice due to lack of resources, particularly for prosecuting and convicting trafficking offenders. Funding for Guatemala's special anti-TIP units, as for most Guatemalan government agencies, was inadequate. Government actions continued to depend heavily on technical and financial support from local NGOs and international donors. Government officials cited as serious impediments to effective law enforcement the overall climate of impunity and corruption, which often led to leaks of information about impending raids and investigations to criminal targets. They also stressed the need for additional resources to train judges and police investigators, provide adequate assistance to victims, and ensure the proper functioning of the Public Ministry's witness protection program.

According to the PNC, no funds were specifically allocated to law enforcement to focus on TIP. Its anti-TIP unit had only five police agents and one vehicle to conduct anti-TIP operations throughout the national territory, and lacked a surveillance mechanism, including cameras, to properly investigate TIP crimes. Police, prosecutors, and civil society all noted that judges lacked proper training and an understanding of TIP issues and working with minors. Civil society pointed to systemic weaknesses, including institutional corruption, lack of coordination among key law enforcement and justice sector institutions, lack of female

police officers, and lack of continuity and institutional knowledge in the PNC due to frequent staff turnover. It suggested that the PNC's lack of institutional continuity limited the long-term impact of training efforts.

Notwithstanding weak institutional capacity, the individuals working in the Public Ministry and PNC special anti-TIP units were generally regarded as competent and dedicated. Guatemala continued to take a leadership role in coordinating regional efforts and sharing information with neighboring countries. In October 2007, the Foreign Ministry hosted a regional two-day seminar focusing on anti-TIP legislation in Central America. The seminar brought together over 30 legislators and judicial experts from the region to draft a model legislative framework to combat human trafficking. The model legislation will serve as a reference for prospective anti-TIP legislation that will provide a comprehensive framework incorporating prevention, prosecution, and victim protection, as outlined in the Palermo Protocol.

1E. The government had no mechanism to systematically monitor its anti-trafficking efforts. However, its Inter-institutional Commission to Combat Trafficking in Persons, led by the Foreign Ministry, provided an open, collaborative forum for discussion of legislative proposals, projects, and coordination of efforts. It met regularly throughout the year to discuss activities carried out by various member institutions, and made available a year-end summary report of its efforts.

Investigation and Prosecution of Traffickers

1A. Guatemala did not enact any new anti-trafficking legislation during the reporting period. Guatemala has a law specifically prohibiting trafficking in persons, both for sexual and non-sexual purposes. Article 194 of the Penal Code, enacted in July 1973 and amended in March 2005 to expand the definition of trafficking and to strengthen the penalties, states that:

Whoever, in any way, promotes, induces, facilitates, finances, collaborates, or participates in the attraction, transport, transfer, harboring, or receipt of one or more persons by means of threat, force or other forms of coercion, fraud, deceit, abuse of power, kidnapping, or a situation of vulnerability or concession or receipt of payments or

benefits to obtain the consent of a person who has authority over another, for the purpose of exploitation, prostitution, pornography, or any other form of sexual exploitation, will be sentenced to six to 12 years in prison.

The same sanction applies to whoever, taking advantage of the circumstances outlined in the previous paragraph, subjects another person to begging, forced labor or services, servile matrimony, irregular adoption, slavery or similar practices. Consent given by the trafficking victim or his or her legal representative if the victim is a minor will not be considered an attenuating circumstance for any of the forms of exploitation described. The penalty will be increased by a third when the victim is a minor, disabled, or elderly. When the victim is a minor, this crime will be considered to have been committed even if none of the means outlined in the first paragraph of this article was used. If the victim suffers physical harm, the penalty will be increased by two-thirds. In the case of the victim's death, the corresponding penalty will be applied.

Other laws used to prosecute TIP cases include prohibitions in the Penal Code against rape, corruption of minors, and procurement or pandering, and prohibitions in the Immigration Law against hiring illegal immigrants. The exact language of those laws are provided below:

Article 173 (Rape)

The crime of rape is committed by a person who violates a woman in any of the following circumstances:

(1) using sufficient violence to obtain his goal;
(2) taking advantage of the circumstances, whether provoked or not, upon finding a woman who has lost her use of reason or has fallen unconscious or is unable to resist; or
(3) in any case, if the woman is under 12 years of age.
In the situations mentioned, the penalty is six to 12 years in prison.

Article 174 (Aggravated Rape)

The penalty will be eight to 20 years of prison in the following circumstances:

(1) when the crime is committed by two or more persons;
(2) when the perpetrator of the crime is a relative, within the degrees of the law, of the victim, or is in charge of the victim's education, a custodian, or a guardian; or
(3) when, as a result of the crime, the victim suffers severe harm.

Article 175 (Qualified Rape)

If, as a result of the rape, the victim dies, the penalty is 30 to 50 years in prison. The death penalty shall be imposed if the victim is younger than 10 years of age.

Article 176 (Rape or Ravishment by Inexperience or Trust)

Carnal access to an honest girl, older than 12 years of age and younger than 14 years of age, by taking advantage of her inexperience or by gaining her trust, will be sanctioned by one to two years in prison. If the victim's age is between 14 and 18, the penalty shall be between six months and one year.

Article 177 (Rape or Ravishment by Deceit)

Carnal access to an honest minor, by deceit or a false promise of marriage, will be sanctioned by one to two years of prison if the age of the victim is between 12 and 14 years, and six months to one year of prison if the victim is older than 14 years of age.

Article 178 (Aggravated Rape or Ravishment)

When the perpetrator of the crime is a relative, within the degrees of the law, of the victim, or is in charge of the victim's education, a custodian or guardian, the sanctions described in the previous paragraph will be increased by two-thirds.

Article 188 (Corruption of Minors)

Whoever, in any way, promotes, facilitates, or favors prostitution or the sexual corruption of a minor, even if the victim specifically consents to participate in sexual acts or in observing such acts, will be sanctioned by two to six years in prison.

Article 189 (Aggravated Corruption of Minors)

The penalty described in the previous article will be increased by two-thirds, in any of the following circumstances:

(1) if the victim is younger than 12 years of age;
(2) if the crime is executed with the purpose of profit or to satisfy the desires of a third party;
(3) when the execution involved deceit, violence, or abuse of authority;
(4) if the corruption occurred by means of perverse sexual acts, premature or excessive;
(5) when the perpetrator is an ascendant relative, brother, tutor, or in charge of the victim's education, or is the victim's custodian or guardian, or
(6) when the crime referenced in the previous article occurs habitually.

Article 191 (Procurement or Pandering)

Whoever, for the purpose of profit or to satisfy the desires of others, promotes, facilitates or favors prostitution, regardless of gender, will be sanctioned with a fine of 500 (USD 66 up to 2,000 quetzales (USD 263)). Whoever, for his or her own benefit, carries out such activities will be sanctioned with a fine of 300 (USD 39) up to 1,000 quetzales (USD 132).

Article 192 (Aggravated Procurement or Pandering)

The sanctions stated in the previous article will be increased by a third in the following circumstances:

- (1) if the victim is a minor;
- (2) if the perpetrator is a relative, within the degrees of law, a tutor or in charge of the victim's education, a custodian or guardian; or
- (3) if there is violence, deceit, or abuse of authority.

Article 107 of the Immigration Law (Decree 95-98)

The crime of hiring illegal immigrants is committed by an individual or entity that employs the services of foreigners that remain in the country without fulfilling the legal requirements and lack the required documentation from the General Director of Migration for their stay in the country. This crime is punishable by two to five years in prison.

Article 108 of the Immigration Law (Decree 95-98)

When the crime in the preceding article involves minors, conditions or means that endanger their health, physical integrity, or when carried out by a public employee, the punishment will be increased by one-third.

1B. Article 194 of the Penal Code establishes a prison sentence of six to 12 years for trafficking in persons for any purpose. Sentences are automatically increased by one-third if the victim is a minor, elderly person, or disabled person, and by two-thirds if the victim suffers physical harm.

During the reporting period, two individuals were sentenced on charges of corruption of a minor, two were sentenced for aggravated pandering, and three individuals were charged with trafficking in persons, according to a Foreign Ministry report. The Public Ministry's Anti-TIP Unit is currently investigating 15 cases: nine women and three men for alleged involvement in irregular adoptions, and three women for commercial sexual exploitation.

1C. The law does not differentiate between trafficking for sexual exploitation and trafficking for labor exploitation. The prescribed penalty is the same regardless of purpose of trafficking: six to 12 years in prison, with an automatic increase by one-third if the victim is a minor, elderly person, or disabled person, and by two-thirds if the victim is a person, or disabled person, and by two-thirds if the victim suffers physical harm.

1D. The prescribed penalty for rape is six to 12 years in prison (up to 50 years in prison for aggravating circumstances). The penalty is the same as that for trafficking in persons for the purpose of commercial sexual exploitation. The Penal Code does not define sexual assault.

1E. Prostitution, per se, is not a crime in Guatemala. The Penal Code does not specifically prohibit the activities of

prostitutes. It does, however, prohibit procurement and pandering, either for personal benefit or for the benefit of another, as well as inducement to prostitution. The legal minimum age for prostitution is 18. The laws most often applied against brothel owners and operators were the prohibitions on procurement, corruption of minors, and contracting illegal aliens.

1F. During the reporting period, the GOG increased efforts to investigate, prosecute, convict, and sentence trafficking offenders. The Public Ministry prosecuted and sentenced eight individuals, including owners and managers of bars and night clubs, on charges of TIP and related crimes: three for hiring illegal migrants, two for corruption of minors, and three for procuring sexual services. The Prosecutor's Office for Women, Unit of Adolescent and Child Victims, processed three cases on TIP charges. An arrest warrant was issued in one of the cases. In another case, the accused trafficker was deported under a regional mutual legal assistance treaty

on criminal matters. There was no information regarding the specific type of trafficking or age category of the victims in these cases.

¶G. The government, in collaboration with civil society, provided specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking. Additional TIP training is required, especially to train judges, prosecutors, and police investigators outside the capital.

¶H. The government cooperated with other governments in the investigation and prosecution of trafficking cases. It participated in multinational fora on human trafficking, and engaged in extensive bilateral efforts with Honduras, El Salvador, and Nicaragua to combat trafficking in the border areas.

¶I. The Guatemalan constitution does not prohibit extradition of its own nationals; however, an extradition treaty is required. Guatemala has a bilateral extradition treaty with the United States. That treaty does not specify trafficking in persons among the crimes for which extradition is prescribed. It does, however, list "kidnapping of minors or adults, defined as the abduction or detention of a person or persons in order to exact money from them or their families, or for any unlawful end." Guatemala also has a multilateral extradition treaty with the governments of other Central American countries, which requires that the crime be punishable by no less than two years' imprisonment in both countries. In practice, the extradition process is lengthy and complicated. During the reporting period, the government extradited one alleged trafficker.

¶J. According to local NGOs, some government officials were involved in trafficking and in leaking information regarding imminent raids of brothels and other commercial establishments to criminal targets. They did not have details on the extent or magnitude of the problem, but indicated that some networks involved high-level officials. The PNC assigned an official from its Office of Professional Responsibility to participate in anti-TIP raids conducted by the government, in cooperation with NGOs.

¶K. The PNC, through its Office of Professional Responsibility and its Inspector General's Office, focused on identifying Qand its Inspector General's Office, focused on identifying corruption within its ranks and dismissing corrupt officers. There was no information available on the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period.

¶L. During the reporting period, there were no reports of any Guatemalan military troops deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

¶M. Child sex tourism was generally not considered a problem in Guatemala; however, there were credible reports of a nascent industry in certain areas. UNICEF has been working with the Guatemalan tourism board to raise awareness of the problem. It developed a code of conduct with the Guatemalan

Tourism Institute and the Guatemalan Chamber of Tourism (INGUAT-CAMTUR) and the Guatemalan Institute for Technical Training (INTECAP) to discourage the use of tourist activities and services, including taxi drivers and tour operators, for sexual exploitation.

Protection and Assistance to Victims

¶A. The Guatemalan government did not provide temporary or permanent residency status or other relief from deportation to foreign adult victims of trafficking. It attended to foreign adult victims in an area dedicated to trafficking

victims within a new shelter run by the General Directorate of Immigration. Foreign minors were not, as a matter of policy, deported. In 2006, the government approved and published the National Protocol for Repatriation of Child and Adolescent Trafficking Victims, which outlines the basic procedures for all Guatemalan government institutions to follow in repatriating child and adolescent victims to Guatemala, as well as from Guatemala to the victims' countries of origin. The Foreign Ministry disseminated the protocol to all national institutions involved in combating human trafficking as well as to border control points, Guatemalan embassies and consulates abroad, and other government entities. To ensure full and prompt implementation of the protocol, it conducted workshops to train Guatemalan consuls accredited in the U.S., Mexico, and Central America, as well as public institutions and civil society organizations.

Most underage Guatemalan migrants were housed in two temporary shelters in Guatemala City and Quetzaltenango before being returned to their families or communities. Non-Guatemalan underage migrants were turned over to the care of consulates for their respective countries. Minors who were identified as victims of sexual exploitation were sent to one of seven government-run shelters, including two shelters (one for girls in Antigua, and one for boys in San Jose Pinula) dedicated to minor trafficking victims, minor victims of domestic abuse, and other minor victims who require special psychological support. Victims were referred to shelters by judge's order, which also specified the length of stay. In most cases, victims were turned over to their families, unless it was clear that their families were responsible for the sexual exploitation. The Secretariat of Social Welfare's plans to expand its shelter network to assist vulnerable populations in high-crime zone areas are constrained by its 2008 budget of Q270 million (USD 36 million) which, according to the Secretariat, is insufficient due to high anticipated costs of construction and the need for additional specialists and equipment for its victim assistance centers.

1B. Guatemala has victim care facilities which were accessible to trafficking victims. As of December 2007, with the opening of a shelter run by the General Directorate of Immigration, foreign victims were provided the same access to care as domestic trafficking victims. The shelter includes a dedicated area for attention to adult and foreign trafficking victims. The Secretariat of Social Welfare operated seven shelters for trafficked victims, orphans, and abandoned minors under 18 years of age, and 35 day care centers for Qminors under 18 years of age, and 35 day care centers for children up to 12 years of age, and provided educational and occupational workshops as part of recovery therapy. During the reporting period, the Secretariat of Social Welfare attended to 17 minor trafficking victims, including 12 girls and five boys, among the many children who sought refuge in its shelters. Operation of these shelters were funded entirely by the state. There was no information available on the amount of funding provided by the GOG for its shelters during the reporting period as funds were allocated to various ministries without specific allocations for the shelters. Most minor victims were referred by the GOG to NGOs, particularly to Casa Alianza, for care and protective custody. Foreign undocumented adult TIP victims were generally deported. The government, lacking resources to provide trafficking victims with access to legal, medical, and psychological services, generally referred victims to NGOs, which provided integral support. The Public Ministry, in its role as state prosecutor, pursued criminal proceedings against traffickers. The GOG also provided victims with integral education in accordance with their respective

academic levels and conducted occupational skills workshops on baking, cosmetics, and tailoring. The Secretariat of Social Welfare provided social work and assistance with legal proceedings.

1C. The government is prohibited by law from directly

transferring funds to NGOs in the form of donations or similar financial mechanism. Under a subcontract arrangement, during the reporting period, the government provided Q2.5 million (USD328,947) from its national budget to support local NGO "Fundacion Sobrevivientes" (Survivors Foundation) to provide medical, legal, and psychological support to victims of domestic violence and trafficking, and their families. In addition, the government collaborated closely with NGOs on anti-trafficking efforts, with regular exchange of feedback and update on measures to combat trafficking. Some NGOs, including Casa Alianza and ECPAT, participated as observers on the Inter-institutional Commission to Combat Trafficking in Persons. The GOG reported that their support and collaboration were fundamental to the work of the commission. Some NGOs, such as Casa Alianza, also provided long-term shelter for victims identified by the Prosecutor's Office.

1D. The GOG implemented a formal mechanism for identifying victims of trafficking among high-risk populations with whom government officials come in contact. Its Standard Operating Procedures, publicly available on the Public Ministry's website, provides instructions on how to process sex crimes, including specific provisions on how to assist TIP victims. The government also developed and implemented a referral process to transfer minor victims who were placed in protective custody by law enforcement authorities to NGOs that provide long-term care. When a minor victim is taken into protective custody by the state, the government's attorney coordinates with the Secretariat for Social Welfare to provide protection to the victim. A judge refers the victim to a government-run shelter. In practice, most minor victims are turned over to Casa Alianza for long-term care. During the reporting period, Casa Alianza, which has an arrangement with juvenile court judges, attended to 60 minor trafficked victims (53 girls and seven boys), to whom it provided integral support before reintegrating them into their families.

All institutions involved in anti-trafficking efforts have allocated funds, within their respective budgets, to dedicate officers exclusively to such efforts. Both the Public Ministry and the Solicitor General's Office have specialized units dedicated to combating TIP. The Office of the Human Rights Ombudsman anticipates creating a special Defender's Office for TIP. The Foreign Ministry has contractors who attend to its call center. The Directorate of Migratory Affairs also has personnel who specialize in TIP. In addition, the GOG established a system to facilitate close collaboration among the three institutions -- the Foreign Ministry, Human Rights Ombudsman's Office, and the PNC -- that operate call centers. During the reporting period, the GOG repatriated three trafficking victims to their countries of origin, one to El Salvador and two to Honduras.

1E. The government has a mechanism for screening for trafficked victims among persons involved in the commercial sex trade. Its "Multi-sectoral Coalition," comprised of representatives of the Ministry of Government, through its General Directorate of Immigration and the PNC, together with representatives of the Public Ministry, the Solicitor General's Office, the Ministry of Public Health and Social Service, and the Superintendent of Tax Administration, conducted raids on night clubs and other commercial establishments possibly engaged in sex trade, with the aim of rescuing domestic as well as foreign victims of commercial sexual exploitation, including trafficking victims. The GOG reported that while the coalition's principal mission was not to monitor or deter TIP crimes in these establishments, the coalition's efforts contributed significantly and effectively to the rescue of trafficking victims.

1F. The government generally respected the rights of trafficking victims. The government did not prosecute victims for violations of immigration laws or any other laws, and it did not arrest, detain, or fine victims rescued during

its raids of commercial establishments. Foreign, undocumented, adult trafficking victims were generally deported to their countries of origin, while minor victims were sent to Casa Alianza or a government-run shelter for attention and care. In December 2007, the GOG opened a new shelter in Guatemala City for undocumented aliens, including victims of trafficking.

In September 2007, the Foreign Ministry opened a 24-hour call center, staffed by trained professional counselors, to provide information on human trafficking to the general public, and psychological support and referral assistance to trafficking victims and other victims. The call center raised public awareness, improved the channels of communication between victims and assistance providers, and focused greater attention on and follow-up of trafficking cases.

1G. The Public Ministry, in collaboration with civil society organizations, encouraged victims to assist in the investigation and prosecution of traffickers and provided support, as requested, through its Office of Witness Protection. The government encouraged victims to file legal complaints against traffickers by instituting a call center through which victims could file complaints and the government could provide follow-up of TIP-related cases. Victims were able to participate in criminal proceedings against traffickers and to seek redress for damage and harm as third party plaintiffs. However, few trafficked victims filed complaints during the reporting period or assisted in investigating and prosecuting traffickers. Victims tended to protect their abusers. In addition, minors, most of whom had either false documents or no documents, were reluctant to admit their underage status. A few individuals did testify, which led to convictions for corruption of minors and contracting illegal aliens. There was no information available as to the actual numbers of victims who assisted in the investigation and prosecution of traffickers during the reporting period. According to the Public Ministry's Anti-TIP Unit, the Witness Protection Program is currently providing protection to one witness.

No one can impede victim access to legal redress. Such redress is a right guaranteed by the Guatemalan Constitution and the Penal Code. In practice, however, victims' access to legal redress was impeded by institutional corruption, a weak judicial system, lack of security, fear of reprisal, and lack of specially trained judges and prosecutors. A victim who is a material witness in a court case against a former employer is free to obtain other employment or to leave the country and/or seek refuge as a protected witness pending trial proceedings. The laws provide for restitution to the victim as a third party plaintiff. Civil reparations supplement the principal criminal proceeding that seeks to determine the culpability of the alleged trafficker.

1H. The Guatemalan justice system was not able to provide adequate protection for victims and witnesses, which impeded the investigation and prosecution of traffickers. The Public Ministry has a limited witness protection program, which was weak and ineffective. Leakage of information regarding witnesses' identity and whereabouts posed a serious risk. Qwitnesses' identity and whereabouts posed a serious risk. The overall culture of impunity and violence and fear of reprisal discouraged victims and witnesses from testifying and filing legal action. The government provided 42 shelters for child victims. Minors identified as victims of sexual exploitation were sent to one of the government-run shelters. In most cases, arrangements were made for reintegration into the victim's family, unless the family was responsible for the abuse.

1I. The government, in collaboration with civil society, provided specialized training for government officials in identifying and assisting trafficking victims, including the special needs of trafficked children. Each participating governmental institution of the Inter-institutional Commission to Combat Trafficking in Persons provided ongoing

training as part of its commitments under the National Plan of Strategic Action, and national, bilateral, and multilateral agreements. The training, which focused on vulnerable sectors of the population, aimed to sensitize officials responsible for anti-trafficking efforts to ensure

prompt and proper attention to victims and to prevent re-victimization.

The government also provided training seminars and workshops on victim protection and assistance to Guatemalan consuls accredited to the U.S., Mexico, and Central America, as well as to foreign consuls accredited in Guatemala. The training focused on the correct application of the National Protocol for the Repatriation of Child and Adolescent Trafficking Victims, as well as the implementation of the Public Policy Against Trafficking in Persons and Integral Protection to Victims, adopted in August 2007. The government encouraged Guatemalan embassies and consulates to develop ongoing relationships with NGOs and international organizations that serve trafficked victims.

The GOG, based on internal information provided by consulates, is in the process of determining the total number of Guatemalan trafficking victims assisted and the level of assistance provided by Guatemalan embassies and consulates abroad. Guatemalan consulates had primary responsibility for the repatriation and accompaniment process for Guatemalan trafficking victims. During the reporting period, the Foreign Ministry, in collaboration with other institutions, drafted and approved the protocol for repatriation of minor trafficking victims.

Consular authorities not only issued special travel documents for repatriation of victims, but also followed up on the health conditions of victims, and facilitated coordination among the institutions responsible for repatriation of victims to ensure a process that fully respects the victims' human rights. The Foreign Ministry's central office was responsible for notifying the competent institutions (the Solicitor General's Office, the General Directorate of Immigration, and the Secretariat of Social Welfare) on accompaniment requirements for the victim.

1J. The government, through its General Directorate of Immigration, and Solicitor General's Office, received Guatemalan trafficked victims at ports of entry and provided accompaniment during the repatriation process. Authorities assessed victims' state of health, rendering medical assistance as required. While the government did not provide financial support, victims could file civil claims for compensation for damage and harm. The government provided assistance to repatriated trafficked nationals in shelters operated by the General Directorate of Immigration, the Secretariat of Social Welfare, and NGOs. The Secretariat for

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Social Welfare received repatriated minors and reintegrated them with their families soon after their return to Guatemala. The Secretariat also ran a shelter in Quetzaltenango for nationals repatriated by Mexico. Minors sent to that shelter were reunited with their families within a few days of arrival.

1K. Various international organizations and local NGOs worked with trafficking victims. Casa Alianza Guatemala, Casa del Migrante, Casa de la Mujer, God's Child, and Fundacion Sobrevivientes provided direct shelter, and integrated attention, including medical, legal, and psychological support, to trafficking victims. ILO/IPEC, UNICEF, Catholic Relief Services, International Justice Mission, Association of Integral Health (ASI), and ECPAT, among others, provided Qof Integral Health (ASI), and ECPAT, among others, provided financing and consultation on anti-TIP efforts and ran preventive programs. Catholic Relief Services implemented a USG-funded project to increase public awareness about the forms, risks, and consequences of trafficking. USG-funded ECPAT continued working with Casa del Migrante in the Mexico

border area and has plans to expand its anti-trafficking efforts to the Honduras and El Salvador border areas this year. Local authorities collaborated closely with these NGOs. Casa Alianza assisted 60 minor trafficked victims, providing formal education and occupational training. During the reporting period, the government awarded a contract of Q2.5 million (USD 328,947) to Fundacion Sobrevivientes to provide victim assistance.

Prevention

¶A. The government acknowledges that trafficking is a serious problem. During the reporting period, it continued to focus

its efforts to combat the problem. Human trafficking was a priority theme on the government's national agenda, and all government actors publicly acknowledged the need to address it vigorously.

¶B. The government, in collaboration with civil society, continued its national public awareness campaign, which it launched in 2006. The principal objective of the campaign was preventing trafficking by educating and alerting the public, especially in high-incident areas and at land, air, and water border points, on the dangers of trafficking networks operating in families and communities, and increasing the visibility of the traditionally clandestine crime. The campaign, targeting current and potential trafficking victims, included phone numbers of organizations that victims could call for help. Through radio and television broadcasts, pamphlets, posters, banners, and billboards, the campaign was effective in reaching populations that had little knowledge of the crime. A USG-funded NGO that participated in the campaign estimated that 450,000 persons (250,000 at the national level and 200,000 at the local level) were reached. The informational materials were sent to Guatemalan embassies and consulates accredited abroad, as well as to foreign diplomatic missions accredited in Guatemala.

In addition, the government developed and conducted sensitization workshops focusing on the theme of social risk, including street children and sexual and labor exploitation, to members of rural development councils in the country's interior. The Ministry of Public Health coordinated workshops incorporating the theme of prevention of commercial sexual exploitation and trafficking of persons in 14 networks of parents' associations throughout the country's interior. The workshops reached approximately 420 persons. The government also developed a manual for the detection and integral attention to child and adolescent victims of commercial sexual exploitation, which will be used as a reference in all government and NGO shelters that attend to trafficking victims.

¶C. Government officials, NGOs, other relevant organizations, and other elements of civil society enjoyed a close, collaborative relationship, which resulted in successful anti-trafficking efforts. The Inter-institutional Commission to Combat Trafficking included the participation of representatives of government agencies, NGOs, and international organizations. Police, immigration authorities, and prosecutors carried out joint operations, with NGO support, to rescue trafficking victims from bars and brothels. Casa Alianza, with its mobile team of trained investigators, provided the intelligence in many cases. The Guatemalan government relied on local civil society and international NGOs for their expertise, assessment, material support, training, investigative capacity, and victim assistance.

¶D. Guatemala's border controls with Mexico, Belize, Honduras, and El Salvador were inadequate. Guatemalan immigration service and law enforcement agencies lacked the capacity to monitor immigration and emigration patterns for evidence of trafficking and to screen for potential trafficking victims along the borders.

The porous borders, open transit, and lack of adequate control between countries in the region facilitated the entry and exit of trafficked minors. Abuses of trafficking victims and violations of human rights have been documented, as have unexplained disappearances of women being transported across the border. Human smugglers exploited undocumented migrants, especially in the border areas, by kidnapping them and demanding ransom. Underage smugglers were commonly used because unlike adult smugglers, they were unlikely to be prosecuted if apprehended. If detained, they are generally referred to a government-run shelter and subsequently returned to their families. Non-Guatemalans were repatriated directly to their countries of origin.

1E. Guatemala has a mechanism for coordination and communication among various agencies on trafficking-related matters. The Inter-institutional Commission to Combat Trafficking was established by government decree in July 2007

to oversee implementation of Guatemala's anti-TIP strategy. The Foreign Ministry took the lead in coordinating those efforts. The government decree formalized the status and raised the profile of the existing inter-agency working group on anti-trafficking. The commission depends heavily on international support.

Corruption in Guatemala typically manifests itself through crimes such as extortion and embezzlement, which are subject to investigation by public security forces and state prosecution. While the GOG does not have an official task force on public corruption, the Public Ministry's Prosecutor's Office Against Corruption investigates and prosecutes corruption cases, and the Presidential Commissioner for Transparency Against Corruption coordinates anti-corruption efforts throughout the GOG. Within the PNC, an Office of Professional Responsibility investigates alleged wrongdoing by police officers.

1F. During the reporting period, the Inter-institutional Commission to Combat Trafficking in Persons, under the leadership of the Foreign Ministry and in consultation with civil society, developed, defined, and reached consensus on a "Public Policy Against Trafficking in Persons and Integral Protection to Victims" and a National Plan of Strategic Action (2007-2017) to address TIP. According to the GOG, the participation of civil society in the design and formulation of the policy was fundamental. The public policy aims to prevent and prosecute human trafficking and to protect victims through institutional strengthening, application of justice, and international cooperation. It is based on the principles of respect for human rights, the best interest of the child and adolescent, presumption of minority of age, a no-discrimination policy, and immediate and integral attention to victims, including medical and psychological support, and reintegration into the family and society. The national plan, as the core part of the public policy, provides the general framework for implementation of the policy, including the goals, strategic actions, indicators, timeframe, and roles of the responsible public entities. With the adoption of the policy in August 2007 the national plan has been implemented by each of the institutions involved in anti-trafficking efforts. This year, the government anticipates convening a meeting of the Inter-institutional Commission to Combat Trafficking in Persons to evaluate progress in implementing actions in the national plan and to identify any obstacles to implementation, as well as to create mechanisms to fully operationalize the plan.

1G. The government collaborated with civil society in a nationwide public awareness campaign during the reporting period to educate the public and to reduce the demand for commercial sex acts. In addition, it conducted raids on brothels and other commercial establishments to rescue sexually exploited minors and to deter commercial sexual exploitation, and instituted a 24-hour call center to deter the demand for these acts.

H. Not applicable.

I. As part of mandatory pre-deployment training, the Regional Peacekeeping Operations Training Center in Guatemala provided extensive training on human rights, including six 50-minute modules specifically focused on human trafficking, to all Guatemalan troops currently deployed abroad on UN peacekeeping missions and other similar missions to deter them from engaging in or facilitating severe forms of trafficking, or exploiting victims of such trafficking.

Best Practices

Local NGO Casa Alianza plays a key role in the prevention, care, and follow-up of child and adolescent victims of trafficking. Casa Alianza uses an integrated care model that includes working with minors living in the streets and high-risk areas to prevent them from becoming victims of trafficking. It rescues minor trafficking victims and provides long-term care, with shelter as well as formal and vocational training. This integrated and comprehensive approach ensures not only a safe, protective environment for victims, but provides victims with technical,

income-generating skills, as well as legal support to document and develop cases for prosecution. Casa Alianza also collects and disseminates trafficking statistics, advocates for greater government response to the trafficking issue, and actively participates in proposing and developing legislation and policies to improve efforts to reduce human trafficking. Its multi-disciplinary efforts have focused greater public attention to the problem of human trafficking, especially to the care of victims, and have enabled victims to successfully reintegrate into their families and communities and rebuild their lives.

Derham